

January 4, 2017

Honorable Roslynn R. Mauskopf
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Lofted Coffee LLC v. Lofty Coffee Inc.*, No. 16 Civ. 02146 (RRM-CLP)

Judge Mauskopf:

I am plaintiff's counsel. I write briefly to object to the *fifty pages of documents* that Defendant filed today. Your order stated: "By January 4, 2017, defendant Lofty Coffee Inc. shall respond by letter brief not to exceed three pages to plaintiff Lofted Coffee LLC's request to vacate plaintiff's default." 12/21/2016 Order (Docket Entry).

Defendant submitted numerous affidavits, which it obviously had decided to submit before today and, thus, could have asked permission to do so. Such conduct, which rests on the principle that it is easier to beg forgiveness than ask permission, should not be countenance. It burdens the docket and places the Plaintiff in an unfair position of either responding in kind or obeying the court's order to only respond with a three page letter. Moreover, Defendant's document was filed as a "Motion for Leave to File Excess Pages," which leaves open the question of whether there is yet another pending motion before this Court to which Plaintiff should respond.

Plaintiff respectfully requests that Defendant's "motion" be denied and the papers be stricken from the docket.

Sincerely,

Brian Lehman

Brian Lehman
Counsel for Lofted Coffee, LLC